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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,850	07/22/2003	Felix Bator	F-673	1866

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EXAMINER

COSIMANO, EDWARD R

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,850

Applicant(s)

BATOR ET AL.

Examiner

Edward R. Cosimano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/22/03 & 9/30/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Applicant should note the changes to patent practice and procedure:
 - A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997;
 - B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000; and
 - C) Amendment in revised format, Vol. 1267 of the Official Gazette published February 25, 2003.
2. Applicant's claim for the benefit of an earlier filing data under 35 U.S.C. § 119(e) and 35 U.S.C. § 120 is acknowledged.
3. The proposed drawing correction filed 30 September 2004 has been approved. The corrected combined set of drawings filed July 22, 2003 and September 30, 2004 is acceptable to the examiner.
4. The disclosure is objected to because of the following informalities:
 - A) applicant must update:
 - (1) the application data in:
 - (a) paragraph number 49 on page 16, "In accordance with ... U.S. Patent Application Serial No. 09/474327 ... transaction from the customer's account on the micropayment system.";with the current status of each of the referenced applications, e.g., --now abandoned--, or --now patent #?--, or --which is abandoned and now serial number #?--, etc.

Appropriate correction is required.
5. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).
6. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

6.1 Claims 1-2, 9-12 & 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either Shah et al (5,822,738) or Kara (5,822,739) or Gravell et al (WO 98/57303) or Whitehouse (6,005,945) or Heiden et al (6,141,645) or Gravell et al (6,546,377) or Shah et al (2003/0078893) in view of Brasington et al (EP 0893787 A2 or 5,923,406).

6.1.1 In regard to claims 1-2, 9-12 & 14, either Shah et al ('738 or '893) or Kara ('739) or Gravell et al ('303 or '377) or Whitehouse ('945) or Heiden et al ('645) disclose a computer implemented system/method of dispensing postage over a network, for example the internet. In these systems, when a user at a remote computer desires to print, then the user would create a demand/request for postage including at least:

- A) the origin zipcode of the item of mail;
- B) the destination zipcode for the item of mail;
- C) the amount of the required postage desired or the parameters of the item of mail that are required to determine the required postage; and
- D) an indication of the method of payment for the required postage, e.g. and account number, credit card, etc., which would identify the customer.

The demand/request is then sent to a remote data center that:

- A) verifies the demand/request;
- B) if the request/demand is verified, then the data center would:

(1) account for the requested postage in a single general account or an account for the user; and

(2) create/generate a postage indicia as evidence of postage payment; and

C) send the postage indicia back to the user for printing on the item of mail.

6.1.2 It is noted that the postage obtained by the users of either Shah et al ('738 or '893) or Kara ('739) or Gravell et al ('303 or '377) or Whitehouse ('945) or Heiden et al ('645) does not originate from a vendor's account. However in the environment of dispensing postage, either Brasington et al ('787 or '406) discloses, as can be seen in figs. 2-4, kiosk 1 that contains processor 31, memory 35, modem 37, customer input devices 15,17, printer 39 and camera 13 as shown in fig. 2 which is in communication with postal authority 91 through data center 49 as shown in fig. 4. In operation the operator of kiosk 1, or a postage vendor, would purchase an amount of postage from postal authority 91 which is stored in the vendor's account in data center 49. The postage value stored in the vendor's account at data center 49 may be vendored to a customer at kiosk 1 either directly from data center 49 or downloaded into memory 35 of kiosk 1. When a customer approaches kiosk 1 to obtain postage, the customer would insert a suitable method of payment and would have an image obtained using camera 13. Next, if the payment was accepted, the vendor's postage account data stored either in data center 49 or in memory 35 (fig. 2) would be used to create a postage indicia as evidence of postage payment, where the indicia would include at least:

A) a transaction number 79 or piece count;

B) an indication of postage 75;

C) originating zipcode 73; and

D) a cancellation mark shown as a town circle 77 that includes date of issue.

Finally, the postage indicia and image are combined, and then printer 39 would produce one or more personalized postage stamps for the user. Hence in the system of either Brasington et al ('787 or '406) the user does not need to obtain a postage metering license to obtain postage from the licensed vendor or operator of kiosk 1.

6.1.3 Since the operation of the postage metering system of either Brasington et al ('787 or '406) makes it easier for a user to obtain postage, since the user does not need to obtain a

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postage metering license to obtain postage from the licensed vendor or operator of kiosk 1, it would have been obvious to one of ordinary skill at the time the invention was made that the postage metering systems of either Shah et al ('738 or '893) or Kara ('739) or Gravell et al ('303 or '377) or Whitehouse ('945) or Heiden et al ('645) could be modified to sell postage directly to users without requiring the user to obtain a postage metering license as taught by either Brasington et al ('787 or '406).

6.2 Claims 3 & 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either Kara (5,822,739) or Gravell et al (WO 98/57303) or Whitehouse (6,005,945) or Gravell et al (6,546,377) as modified in view of Brasington et al (EP 0893787 A2 or 5,923,406) as applied to claims 1-2, 9-12 & 14.

6.2.1 In regard to claims 3 & 13, the user of the systems of either Kara ('739) or Gravell et al ('303 or '377) or Whitehouse ('945) gains access to the system by using a ID and password.

7. Response to applicant's arguments.

7.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been over come by applicant's last response.

8. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

9.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

9.2 The fax phone number for OFFICIAL FAXES is (703) 872-9306.

9.3 The fax phone number for AFTER FINAL FAXES is (703) 872-9306.

12/12/04



Edward R. Cosimano

Primary Examiner A.U. 3629